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## PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

2004\_1099A

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Application Number

10/501,325

Filed

11/09/04

First Named Inventor

Per ALMDAHL et al.

Art Unit

3671

Examiner

Thomas A. Beach

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

THE COMMISSIONER IS AUTHORIZED  
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The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)☒ attorney or agent of record.  
Registration number 40,268☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

Signature

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Telephone number

January 25, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 8168**  
Per ALMDAHL et al. : Attorney Docket No. 2004\_1099A  
Serial No. 10/501,325 : Group Art Unit 3671  
Filed November 9, 2004 : Examiner Thomas A. Beach  
RISER CONTROL DEVICE

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**ARGUMENTS IN SUPPORT OF REQUEST FOR REVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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ACCOUNT NO. 23-0975

Sir:

It is submitted that the rejections of record are clearly not proper due to clear legal and factual errors in the rejection.

Initially, it is noted that a response to the Final Office Action was filed on November 22, 2005 and was forwarded to the Examiner on November 29, 2005. A telephone conference was held with the Examiner on January 10, 2005. Applicant's were assured that a PTO response to the after final response would be received before January 22, 2006 so that further action, if necessary, could be taken. Having received no response, the SPE was contacted on January 23, 2005, and Applicants were informed that an Advisory Action was being processed. Thus, even though the Advisory Action has not been received, this request is being presented in order to avoid the necessity of filing a third month extension. To date Applicants have not received a response to the Request for Reconsideration filed on November 22, 2005.

Apparently, the Examiner was not persuaded by the arguments presented in the Request for Reconsideration. However, it is Applicants' position that the final rejection is based on clear factual errors, and thus this case is appropriate for a pre-appeal brief conference review.

On pages 2-3 of the Final Office Action, claims 7-9 and 15 are rejected as being unpatentable over Jones (U.S. Patent No. 4,580,626) in view of Owens (U.S. Patent No. 4,441,742).

Independent claim 7 of the present invention requires a vertically disposed actuator assembly, a pair of rams for isolating the well, and a pair of shear blades for cutting off an intervention string. Note, claim 7 specifies that the rams and blades, which are radially movable, and the actuator assembly are located within the housing of the riser control device.

**Jones** discloses a blowout preventer (BOP) having shear rams that are hydraulically actuated by pistons mounted on the axis of the ram. The pistons are provided in a separate housing located on the outside of a drill string or riser. This known arrangement is totally different from the present invention with regard to the mechanism and arrangement for driving the shear rams.

**Owens** discloses a remotely operated connector that is designed to connect underwater well members. However, the Owens system for "connecting" well members has nothing in common with the present invention, which is related to a riser control device for preventing and controlling unexpected blow-outs or well disruptions.

In the explanation of the rejection, the Examiner states that:

*"Owens shows a similar riser control device having a pair of rams vertically actuatable to isolate the well (figures 1-2) where the actuator is hydraulically driven and annular piston and chamber device (claim 8; 43), which via piston rods (45) and translation beams 26/54/40 transforms the movement of the piston to open or close the rams whereby the radial movement of the shear blades implies radial movement of the rams (claims 9, 15 & 6)."*

I. The Examiner's characterization of the Owens connector as a "riser control device" is clearly factually incorrect.

As described above, Owens discloses a remotely operated connector that is designed to connect underwater well members. Clearly, the Owens system for

“connecting” well members is not a riser control device for preventing and controlling unexpected blow-outs or well disruptions.

II. The Examiner’s statement that the Owens device has “a pair of rams vertically actuatable to isolate the well” is factually incorrect.

Owens does not have a pair of rams that can be actuated to control a well.

Although the Examiner refers to Figs. 1-2 as showing rams that control the well, these figures actually show a portion of an underwater wellhead assembly with a connector disposed outside of and connecting a lowermost body 1 and an upright wellhead lower body 2 (see col. 3, lines 49-52). The disclosed connector does not function to isolate the well. The Examiner’s statement to the contrary is clearly factually incorrect. It is noted that the Examiner was specifically requested to identify the rams in Owens, however, Applicants have not been advised as to what structure could possibly read on the claimed rams.

III. There clearly is no motivation to combine the Jones and Owens references.

One of ordinary skill in the art would not have been motivated to combine the “blowout preventer” of Jones with the “connector” of Owens as proposed by the Examiner. If the two teachings were combined, the resulting structure would simply be a combined BOP and connector. What possible suggestion or motivation could there be to modify the Jones BOP with the driving mechanism of the Owens connector.

IV. The Examiner has also mis-characterized other features of the Owens connector.

Owens teaches that the connector mechanism is provided in a separate housing or pocket on the outside of the well housing. This is clearly different from the device defined in claim 7 in which the vertically disposed actuator assembly is provided inside the housing of the riser control device. The actuator assembly of the present invention functions to simultaneously drive the rams and the blades, which are also disposed in the housing.

Owens does not have shear blades nor an annular piston. Note that the pistons, disclosed in the Owens reference, are common piston/cylinder devices (i.e. circular discs disposed in cylindrical chambers). Clearly, the piston/cylinder arrangement of Owens cannot be construed as an annular piston in an annular chamber.

Claim 8 specifically requires a hydraulically driven annular piston disposed in an annular chamber. Therefore, even if the references could be combined, the proposed Jones/Owens combination would not meet each and every limitation of claim 8.

\* \* \* \*

In view of the clear factual and legal errors described above, it is submitted that the proper *prima facie* rejection of claims 7-9 and 15 has not been established.

Respectfully submitted,

Per ALMDAHL et al.

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January 25, 2006